

1642
48

Patent
Attorney's Docket No. 032360-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kouichi TSUJI et al.

Application No.: 09/350,899

Filed: July 12, 1999

For: HUMAN LUNG ADENOCARCINOMA-
RELATED MONOCLONAL
ANTIBODY AND ANTIGEN AND
IMMUNOASSAY METHOD WHICH
USES THE SAME



Group Art Unit: 1642

Examiner: K. Canella

RECEIVED

MAR 08 2001

TECH CENTER 1600/2900

AMENDMENT AND REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is an Amendment and Reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☒ A Terminal Disclaimer is also enclosed.

☒ Also enclosed is an Attachment with Marked-up Claims;
a Submission of Verified Statement Pursuant to 37 C.F.R. § 1.804(b)
filed February 26, 1999 in U.S. Patent Application Serial No.
08/913,315, now U.S. Patent No. 6,015,680; and
a Request for Approval of Drawing Changes with Figures 2-4 A-1

☐ Small entity status is hereby claimed.

☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the
☐ \$355.00 (279) ☐ \$710.00 (179) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) previously submitted __, on __, for which continued examination is requested.

☐ Applicant(s) request suspension of action by the Office until at least __, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'T'L FEE
Total Claims	5	MINUS 20 =	0	× \$18.00 (103) =	0.00
Independent Claims	1	MINUS 3 =	0	× \$80.00 (102) =	0.00
If Amendment adds multiple dependent claims, add \$270.00 (104)					
Total Amendment Fee					0.00
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					0.00

- ☐ A claim fee in the amount of \$_____ is enclosed.
- ☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Susan M. Dadio
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 2, 2001

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
032360-009

In re Application of: Kouichi TSUJI et al.

Application No.: 09/350,899

Filed: July 12, 1999

For: HUMAN LUNG ADENOCARCINOMA-RELATED MONOCLONAL ANTIBODY AND ANTIGEN AND
IMMUNOASSAY METHOD WHICH USES THE SAME

The owner, FUJIREBIO INC. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,015,680. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

March 2, 2001
Date


Signature

Susan M. Dadio, Registration No. 40,373
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kouichi TSUJI et al.

Application No.: 09/350,899

Filed: June 12, 1999

For: HUMAN LUNG ADENOCARCINOMA-
RELATED MONOCLONAL
ANTIBODY AND ANTIGEN AND
IMMUNOASSAY METHOD WHICH
USES THE SAME



Group Art Unit: 1642

Examiner: K. Canella

REQUEST FOR APPROVAL OF DRAWING CHANGES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner's approval is respectfully requested for the proposed changes to Figures 2-4a-1 shown in red ink on the accompanying figures, wherein the top margin has been corrected.

The proposed drawing changes do not add any new matter to the application. Therefore, approval of the foregoing is respectfully requested.

Upon receipt of the Examiner's approval, these changes will be implemented through newly submitted formal drawings.

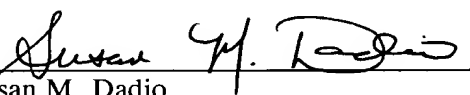
In the event that there are any questions relating to this request, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Application Serial No. 09/350,899
Attorney Docket No. 032360-009

The commissioner is hereby authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 2, 2001